

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON**

**IN RE DIGITEK®  
PRODUCT LIABILITY LITIGATION**

**MDL NO. 1968**

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**THIS DOCUMENT RELATES TO ALL CASES**

**PRETRIAL ORDER #45  
(Revised Deadlines)**

Having been notified in writing by the parties that they have reached agreement on the extension of certain deadlines contained in PTO #16 and having reviewed the proposed changes, I **ORDER** the following extension of deadlines in PTO #16, VII. DISCOVERY DATES AND ORDER:

B) Company Witness Depositions

The depositions of Defendants' company witnesses shall be concluded by **February 15, 2010**.

C) Liability Expert Discovery

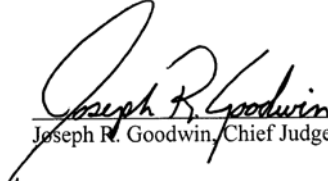
- 1) Plaintiff shall serve their reports from liability experts no later than **March 15, 2010**.
- 2) The parties shall complete their depositions of Plaintiffs' liability experts no later than **May 28, 2010**.
- 3) Defendants shall serve their reports from liability experts no later than **June 15, 2010**.

- 4) The parties shall complete their depositions of Defendants' liability experts no later than **August 31, 2010**.

In accordance with the agreement of the parties and due to the affect of the above changes on Group 1, I further **ORDER** that all of the Group 1 deadlines **shall be extended 90 days** with the exception of the dates for completion of fact discovery contained in PTO #38, page 2, Section VII(F)1. Fact Discovery, which shall be **extended by only 30 days**.

The court **DIRECTS** the Clerk to file a copy of this memorandum opinion and order in 2:08-md-1968 which shall apply to each member Digitek-related case previously transferred to, removed to, or filed in this district, which includes counsel in all members cases up to and including civil action number 2-09-cv-01152. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at [www.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

ENTER: October 22, 2009

  
Joseph R. Goodwin, Chief Judge